

Appl. No. 09/909,233
Atty. Docket No. CM2505
Amdt. dated May 6, 2005
Reply to Office Action of 2/24/05
Customer No. 27752

REMARKS/ARGUMENTS

Claims 1-10, 12, 14-16, 18-35 and 41-42 are pending. Claims 36-40 have been withdrawn from consideration.

Claims 1 and 8 have been amended to recite the presence of the amine solvent (basis at page 25, line 20 – page 26, lines 9-13). Claim 1 also now recites the presence of the ionone(s). Basis is in Claim 2. Claim 10 specifies the pH. Claim 15 recites the solvents of Claim 17, now cancelled. Claim 21 now employs the “amine solvent” language of Claim 1. It is submitted that all amendments are fully supported, and entry is requested.

The claims as now amended focus on the discovery that ionones can be employed to moderate the objectionable odor of amine solvents. The amine solvents, in turn, provide efficacious removal of “tough-to-clean” food residues from, for example cookware.

Formal Matters

For the record, there are no objections or rejections under 35 USC 112 outstanding.

Rejections Under 35 USC 102

For the record, there are no rejections under 35 USC 102 outstanding.

Rejections Under 35 USC 103

Several of the rejections are over the combination of U.S. 5,929,007 in view of U.S. 6,194,362, or said combination being taken in view of an additional document.

More particularly, Claims 1-8, 10, 12, 14-29, 33-35, 41 and 42 stand rejected over ‘007 in view of ‘362, for reasons of record at pages 4-7 of the Office Action.

Claim 30 stands rejected over ‘007 in view of ‘362, and further in view of U.S. 5,739,092, for reasons of record at pages 7-8 of the Office Action.

Claims 31 and 32 stand rejected over ‘007 in view of ‘362, and further in view of JP 8151597, for reasons of record at page 8 of the Office Action.

Claim 9 is rejected over ‘007 in view of ‘362 or ‘362 (*sic*), and further in view of U.S. 6,001,789, for reasons of record at pages 9-10 of the Office Action.

Applicants respectfully traverse all of said rejections.

It is submitted that ‘007 and ‘362 cannot be combined, as a matter of law, since the two documents teach away from each other.

In this regard, attention is directed to ‘007 Abstract and column 2, lines 21-22, wherein the compositions are “characterized in that they contain no further anionic or cationic type surfactant constituents.” [emphasis supplied]

The point is re-emphasized in ‘007 at column 5, lines 38-44, which bespeaks the inventor’s surprising discovery that the addition of such surfactant causes an “appreciable decrease” in cleaning performance!

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In sharp contrast, '362 requires surfactant (Abstract; column 2, lines 57-62; column 11, lines 52-53 anionic surfactant; see also Examples at column 21), preferably an anionic surfactant (column 12, lines 2-10).

In light of the fact that '007 specifically excludes anionic surfactants for the very important reason that they decrease the performance of the disclosed compositions, and in further view of the fact that '362 employs surfactants, preferably the AS class of anionic surfactants, it is submitted that the disclosures of '007 and '362 teach away from each other. **Under such circumstances, it is clear that the documents cannot be combined to make a rejection under 35 USC 103.** See MPEP 2145, citing *In re Grasselli*, 713 F.2d, 731, 743 (Fed. Cir. 1983).

Since '007 is not combinable with '362 as a matter of law, it is submitted that all rejections herein which rely on said combination should be withdrawn.

For the same reason, the cited '092 patent cannot be combined with '007, since '092 requires the presence of the alkyl ethoxy carboxylate surfactant, which, as shown by its formula at column 2, line 56, is anionic. Moreover, particularly preferred compositions of '092 can comprise various other anionic surfactants, such as those listed at column 2, lines 13-18.

Again, with regard to Japanese '597, the Abstract makes it clear that the compositions can contain 6-9% anionic surfactant.

In short, '007, with its quite specific teaching away from anionic surfactants, is not properly combinable with any of the other cited documents.

In light of the foregoing, it is requested that all rejections over any of the aforesaid combinations of cited documents be reconsidered and withdrawn.

Turning now to the rejections of Claims 1-8, 10, 12, 14-19, 22-29, 33-35 and 41-44 over the single document U.S. 5,194,362, (Office action pages 8-9), Applicants respectfully traverse the rejections on this basis, to the extent they may apply to the claims as now amended.

Attention is again directed to the fact that the present compositions employ amine solvents (page 25, lines 22-29 and page 26, lines 9-12) whose odor is reduced by an ionone or ionone/musk. See page 16, lines 15-29.

Admittedly, the patentees in '362 do recognize the odor problems that can be associated with the use of various solvents in their disclosed compositions. To avoid such problems, the patentees prescribe the use of solvents that have a "low, pleasant odor". See column 14, lines 36, *et seq.*, especially lines 45-49. Nothing therein suggest that amine solvents could be used in the compositions, much less that ionones could be used to mask amine odors, as in the present invention.

While alkanolammonium salts of various builders can be employed in '362 (see column 17, lines 48-55), the levels are quite low. And, the salt form would be expected to have a lower odor than the solvent level use of such amines.

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Accordingly, it is submitted that '362 does not fairly suggest that present compositions, since '362 avoids odoriferous solvents and, in particular, in no way suggests amine grease-cutting solvents such as those used herein.

In short, '362 avoids the odor problem by limiting the types of solvents employed in the compositions. In sharp contrast, the present invention confronts the problem, and solves it.

In light of the foregoing, reconsideration and withdrawal of the rejections over U.S. 5,194,362 (sole) are requested.

Terminal Disclaimer

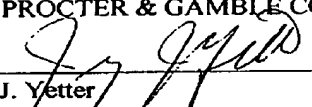
In response to the Double-Patenting rejection (Office Action pages 10-11) enclosed herewith is a Terminal Disclaimer over U.S. 6,683,036. Withdrawal of the rejection is requested.

In light of the foregoing, early and favorable action is requested.

Respectfully submitted,

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